



W.A.(MD) No.999 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A.(MD) No.999 of 2023

M.Muniyasamy

... Appellant

-vs-

The Managing Director
Tasmac Ltd.,
Egmore, Chennai

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 27.10.2017, passed in W.P.(MD) No.19799 of 2017, on the file of this Court.

For Appellant : Mr.M.Muniasamy
Party-in-Person

For Respondent : Mr.H.Arumugam
Standing Counsel

J U D G M E N T

[Judgment of the Court was made by S.VAIDYANATHAN, J.]

This intra-court appeal is directed against the order dated 27.10.2017, passed in W.P.(MD) No.19799 of 2017.



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2. At the outset, it would be relevant to refer the operative portion of the order passed by the learned Single Judge, which is extracted hereunder:

“2. The grievance of the petitioner is that the respondent had not settled his fee bills. According to him, the fee arrears is to the tune of Rs.87,31,000/-. The petitioner gave a representation on 20.09.2017 to the respondent. Of course, if the client does not pay the fees to his lawyers, the Writ Petition cannot normally be maintained for recovering the fee arrears. But in this case, the client of the Writ Petitioner happens to be a State Government undertakings. Therefore the respondent is directed to compute the fee payable to the Writ Petitioner and settle the same within a period of eight weeks from the date of receipt of a copy of this order.

3. If the Writ Petitioner has any dispute regarding the fee calculation, it is open to the Writ Petitioner to accept the amount quantified by the respondent without prejudice to his contentions and rights.”

3. Since the learned Single Judge has observed that it is open to the appellant / writ petitioner to accept the amount quantified by the respondent without prejudice to his contentions and rights, we are of the view that the appellant's rights have not been extinguished. That apart, the



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appellant has already approached the learned Single judge by filing a contempt petition in Cont.P.(MD) No.195 of 2018, in which details have been called for. It is submitted by the learned Standing Counsel appearing for the respondent that yet another writ petition in W.P.(MD) No.11453 of 2021 has been filed.

4. In view of the subsequent development, as the appellant has to work out his remedy in the pending Cont.P.(MD) No.195 of 2018 and W.P.(MD) No.11453 of 2021, this writ appeal fails and it is dismissed. Registry is directed to list Cont.P.(MD) No.195 of 2018 before the learned Single Judge together with W.P.(MD) No.11453 of 2021. No costs.

[S.V.N., J.]

[D.B.C., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Note:

Direction is given to the Registry to list Cont.P.(MD) No.195 of 2018 before the learned Single Judge together with W.P.(MD) No.11453 of 2021.

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and
D.BHARATHA CHAKRAVARTHY, J.

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